

## **EXHIBIT “1”**

**SUMMONS IN A CIVIL ACTION**

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

EQUIPMENT FINANCE, LLC

v.

CAROLYN HORN d/b/a CAROLYN HORN USED  
EQUIPMENT

CIVIL ACTION NO. 09-2663

TO: (NAME AND ADDRESS OF  
DEFENDANT)

**YOU ARE HEREBY SUMMONED** and required to serve upon

Plaintiff's Attorney (Name and Address)

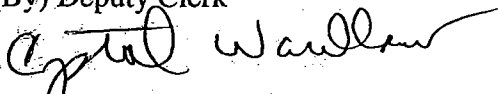
ALAN C. GERSHENSON, ESQ.  
3600 HORIZON BLVD.  
SUITE 200  
TREVOSSE, PA 19053-4900

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

Michael E. Kunz, Clerk of Court

Date: JUNE 12, 2009

(By) Deputy Clerk

  
CRYSTAL WARDLAW

## CIVIL COVER SHEET

09 2663

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THIS FORM.)

## I. (a) PLAINTIFFS

Equipment Finance, LLC

(b) County of Residence of First Listed Plaintiff Lancaster

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Alan C. Gershenson, Esq., Lamm Rubenstone, LLC,  
3600 Horizon Blvd, Suite 200, Trevose, PA 19053; 215-638-9330

## DEFENDANTS

Carolyn Horn, d/b/a Carolyn Horn Used Equipment

County of Residence of First Listed Defendant Talladega

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                                   |   | PTF                                   | DEF                        |
|---|----------------------------|---------------------------------------|---|---------------------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1            | Incorporated or Principal Place of Business In This State     | <input checked="" type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input checked="" type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5            | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3            | Foreign Nation  | <input type="checkbox"/> 6            | <input type="checkbox"/> 6 |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input checked="" type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>REAL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General Habeas Corpus: <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395f) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	
			<b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions		

## V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 U.S.C. Section 1332(A) (1)

Brief description of cause:  
Breach of Implied Contract

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$ 1,014,700.00

CHECK YES only if demanded in complaint:  
JURY DEMAND: ☐ Yes ☒ No

## VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CASE MANAGEMENT TRACK DESIGNATION FORM

EQUIPMENT FINANCE, LLC

CIVIL ACTION

v.

CAROLYN HORN d/b/a

CAROLYN HORN USED EQUIPMENT

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a case management track designation form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. §2241 through §2255. ( )
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits ( )
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ( )
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ( )
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

6-11-09

Alan C. Gershenson, Esq.



Date

Attorney-at-law

Attorney for Plaintiff

215-638-9330

215-638-2867

AGERSHENSON@LAMMRUBENSTONE.COM

Telephone

FAX Number

E-Mail Address

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

EQUIPMENT FINANCE, LLC

V.

CAROLYN HORN d/b/a

CAROLYN HORN USED EQUIPMENT

Civil Action

No: \_\_\_\_\_

## DISCLOSURE STATEMENT FORM

Please check one box:

- ☐ The nongovernmental corporate party, \_\_\_\_\_, in the above listed civil action does not have any parent corporation and publicly held corporation that owns 10% or more of its stock.
- ☒ The nongovernmental corporate party, Equipment Finance, LLC, in the above listed civil action has the following parent corporation(s) and publicly held corporation(s) that owns 10% or more of its stock:

PNC Financial Services Group, Inc.One PNC Plaza249 Fifth AvenuePittsburgh, PA 15222-2707

June 11, 2009  
Date

  
Signature

Counsel for: Equipment Finance, LLC**Federal Rule of Civil Procedure 7.1 Disclosure Statement**

- (a) WHO MUST FILE; CONTENTS. A nongovernmental corporate party must file two copies of a disclosure statement that:
- (1) identifies any parent corporation and any publicly held corporation owning 10% or more of its stock; or
  - (2) states that there is no such corporation.
- (b) TIME TO FILE; SUPPLEMENTAL FILING. A party must:
- (1) file the disclosure statement with its first appearance, pleading, petition, motion, response, or other request addressed to the court; and
  - (2) promptly file a supplemental statement if any required information changes.

**FILED JUN 12 2009**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

EQUIPMENT FINANCE, LLC

V.

CAROLYN HORN d/b/a

CAROLYN HORN USED EQUIPMENT

Civil Action

No: \_\_\_\_\_

## DISCLOSURE STATEMENT FORM

Please check one box:

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☒ The nongovernmental corporate party, Equipment Finance, LLC, in the above listed civil action has the following parent corporation(s) and publicly held corporation(s) that owns 10% or more of its stock:

PNC Financial Services Group, Inc.

One PNC Plaza

249 Fifth Avenue

Pittsburgh, PA 15222-2707

June 11, 2009  
Date

  
Signature

Counsel for: Equipment Finance, LLC

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- (2) promptly file a supplemental statement if any required information changes.

FILED JUN 12 2009

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

**EQUIPMENT FINANCE, LLC**

P.O. Box 5366  
Lancaster, PA 17606-5366

Plaintiff,

v.

**CAROLYN HORN**

**d/b/a Carolyn Horn Used Equipment**

2177 Horns Valley Road  
Talladega, Alabama 35160

Defendants.

CIVIL ACTION

**COMPLAINT**

Plaintiff Equipment Finance LLC, by and through its undersigned attorneys, Lamm Rubenstein LLC, brings this action against the above-named Defendant Carolyn Horn d/b/a Carolyn Horn Used Equipment, and in support thereof, avers as follows:

1. Plaintiff, Equipment Finance LLC ("EFF") is a limited liability company organized and existing under the laws of the Commonwealth of Pennsylvania, with a place of business located in East Petersburg, Pennsylvania 17520, and a mailing address at P.O. Box 5366, Lancaster, PA 17606-5366. EFF's sole member is PNC Bank, National Association, which has its main office in Pittsburgh, Pennsylvania and is a citizen solely of the Commonwealth of Pennsylvania. *Wachovia Bank, National Association, v. Schmidt*, 546 U.S. 303 (2006).

2. Defendant Carolyn Horn is an individual who is a citizen of the State of Alabama and conducts an un-incorporated business known as Carolyn Horn Used Equipment at 2177 Horns Valley Road, Talladega, Alabama, 35160.

3. The matter in controversy herein exceeds, exclusive of interest and costs, the sum of Seventy Five Thousand Dollars (\$75,000.00). Jurisdiction is based on diversity of citizenship under 28 U.S.C. §1332 and venue is proper under 28 U.S.C. §1391.

**FILED JUN 12 2009**

4. EFI is in the business of lending money to be used for the purchase of equipment. Carolyn Horn is, or purports to be, in the business of selling used equipment.

5. Over the course of several years, EFI paid money directly to Carolyn Horn to finance the purchase of equipment that Carolyn Horn was supposed to deliver either to: a) various borrowers or alleged borrowers from EFI, or b) others who were supposed to, in turn, deliver that equipment to such borrowers.

6. EFI is advised, and therefore believes, that on numerous occasions on which Carolyn Horn received money from EFI, she did not deliver any equipment on account of the money she received.

7. The occasions on which Carolyn Horn received money from EFI for which she did not deliver any equipment, including the date, the check number, and the amount of the payment are as follows:

<u>Date</u>	<u>Check Number</u>	<u>Amount</u>	<u>Exhibit</u>
April 20, 2004	5404	\$57,500.00	A
July 26, 2005	6756	\$73,500.00	B
August 12, 2005	6806	\$27,000.00	C
August 30, 2005	6860	\$40,000.00	D
September 13, 2005	Wire	\$98,000.00	E
November 15, 2005	7072	\$73,000.00	F
December 2, 2005	7152	\$69,500.00	G
January 6, 2006	7240	\$110,000.00	H
January 23, 2006	7295	\$66,250.00	I
February 1, 2006	7322	\$27,500.00	J
February 17, 2006	7390	\$101,350.00	K
March 9, 2006	7431	\$65,000.00	L



March 9, 2006	7434	\$30,000.00	M
April 11, 2006	7526	\$44,000.00	N
May 5, 2006	7611	\$45,600.00	O
October 30, 2006	8140	\$53,500.00	P
December 7, 2006	8236	<u>\$33,000.00</u>	Q
TOTAL:		\$1,014,700.00	

All Exhibits in the above chart except for "C" and "E" are attached hereto and are true and correct copies of EFI checks sent to and negotiated by Carolyn Horn. EFI has not been able to locate a copy of check number 6806, and Exhibit "C" attached hereto is a business record of EFI evidencing the check sent to Carolyn Horn on August 12, 2005 for \$27,000.00. Exhibit "E" is evidence of the wire transfer that EFI sent to Carolyn Horn's account.

8. Carolyn Horn gave no consideration for the payments set forth in Paragraph 7 hereof, totaling \$1,014,700.00, that EFI made.

#### **COUNT I – IMPLIED CONTRACT**

9. The averments contained in paragraphs 1 through 8 above are incorporated by reference as if set forth in full.

10. The seventeen payments made by EFI to Carolyn Horn set forth in Paragraph 6 hereof were implicitly loans made to her and intended to be repaid upon demand.

11. Demand has been made upon Carolyn Horn that she repay the amounts advanced to her for her benefit as set forth in Paragraph 7 above, but she has failed and refused to do so

12. The total of the payments made to or for the benefit of Carolyn Horn as set forth in Paragraph 7 above is \$1,014,700.00.


**COUNT II – UNJUST ENRICHMENT**

13. The averments contained in paragraphs 1 through 12 above are incorporated by reference as if set forth in full.

14. Carolyn Horn has been unjustly enriched by her receipt of \$1,014,700.00 as set forth in Paragraph 7 above, which sum she has failed and refused to repay and for which she gave no consideration.

**WHEREFORE**, Plaintiff Equipment Finance LLC requests that judgment be entered in its favor and against Defendant Carolyn Horn, d/b/a Carolyn Horn Used Equipment, in the amount of \$1,014,700.

**LAMM RUBENSTONE LLC**

By:   
Alan C. Gershenson, Esquire (#09925)  
3600 Horizon Boulevard, Suite 200  
Trevose, PA 19053-4900  
(215) 638-9330/(215) 638-2867  
*Attorneys for Plaintiff*  
*Equipment Finance LLC*

## **EXHIBIT “A”**

Wyer - Johnny L. Slay - Rel - 776 - Cust - 7108  
 Slay Equipmont

## **EXHIBIT “B”**

**EQUIPMENT FINANCE LLC**

118 W. AIRPORT ROAD  
LINTZ, PA 17543  
(717) 569-8761



Bank of Lancaster County, NA  
LANCASTER, PA

6756

60-1358/313

DATE July 26, 2005

PAY Seventy Three Thousand, Five Hundred and No /100

AMOUNT  
\$73,500.00

TO  
THE  
ORDER  
OF

CAROLYNN HORN USED EQUIPMENT

*[Signature]* Sa. VP

MEMO

THIS DOCUMENT CONTAINS SENSITIVE INFORMATION. TOUCHING OR PRESSING HERE WILL DESTROY THE IMAGE. IT REAPPEARS WITH HEAT.

⑈006756⑈ ⑆031313562⑆ 07⑈875479⑈01⑈ ⑆0007350000⑆

ccount 787547901 Serial 6756 Amount 0000073500.00 Date 07-29-2005

0816276727 FNB >062200961< PKT06  
07282005 1000120082-07/27/2005  
0610-0001-576951 6001 Acct 1041339  
447950 DNT=4343 FRC=2335 PK=17  
268008  
1000000 FRC=2335 PK=12  
T=1712 FRC=1712 PK=12

*Carolyn Horn Used  
Equip*

ayer = Raymond E. Russell = Rel # 487 cust = 1903

ller = Slay Equipment

## **EXHIBIT “C”**

# Summary of Proceeds

## For Contracts Purchased

---

EFI Contract #: 19742

**Buyer:**

Dustin R Long

**Seller:**

Wiley Spann d/b/a Forestry Equipment and Products

---

Check Number: 6806	Payable to CAROLYN HORN EQUIPMENT	\$27,000.00
Check Number: 6807	Payable to J & B EQUIPMENT	\$72,000.00
Check Number: 6808	Payable to WILEY SPANN D/B/A FORESTRY EQUIPMENT AND PRO	\$17,000.00

---

Checks Written: 8/12/2005

Total Distributions: \$116,000.00



## **EXHIBIT “D”**

**EQUIPMENT FINANCE LLC**  
118 W. AIRPORT ROAD  
LITITZ, PA 17543  
(717) 569-8761



Bank of Lancaster County, NA  
LANCASTER, PA

6860

60-1356/013

DATE August 30, 2005

PAY Forty Thousand, and No /100

AMOUNT  
\$40,000.00

TO THE ORDER OF  
CAROLYN HORN USED EQUIPMENT  
2177 HORNS VALLEY ROAD  
TALLADEGA, AL 35160

MEMO

*M. Schlegel S.A.V.P.*



⑈006860⑈ ⑆031313562⑆ 07⑈875479⑈01⑈ ⑆0004000000⑆

Account 787547901 Serial 6860 Amount 0000040000.00 Date 09-02-2005

1015449206 9904755421 R991  
09012005 876 89/02/2005  
09012005 FRB-PHILA  
09012005 TRS-1214 PK=03  
ENT=1226 TRC=1226 PK=12

FNB >062200941< PKT01  
1100020091 08/31/2005  
Acct 1041339

0913157530  
09012005  
0610-0014-6  
ENT=3658 TRC=3658 PK=17

*Carolyn Horn Used Eq*

Buyer - Robert Kittret - Rel # 577 - cust # 372  
Seller - Wiley Spann

601-989-2670  
158 Beagle Ln  
Gibson MS - 39476-2769

## **EXHIBIT “E”**

WILEY SPANN D/B/A  
FORESTRY EQUIPMENT AND PRODUCTS  
709 Meadowbrook Drive  
Andalusia, AL 36420  
September \_\_, 2005

EQUIPMENT FINANCE LLC  
P.O. Box 5366  
Lancaster, PA 17606-5366

Re: Larry Dean McClain

Gentlemen:

I hereby authorize and direct you to make the following distribution of the proceeds of \$116,000.00, please pay:

\$98,000.00 - to Carolyn Horn Used Equipment, 2177 Horn Valley Road, Talladega, AL 35160, to complete the purchase of:  
One (1) CATERPILLAR Dual Arch Grapple Skidder, Mdl 525DA, S/N 1DN01554  
One (1) CATERPILLAR Grapple Skidder, Mdl 515, S/N 4LR0623  
One (1) HYDRO AX Feller Buncher, Mdl 411EX, S/N 6039

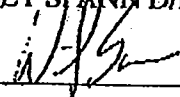
\$18,000.00 - to Point A Logging and Timber, 25989 Sunnyside Street, Red Level, AL 36474, to complete the purchase of:  
One (1) PRENTICE Log Loader, Mdl 210D, S/N 51331

\$116,000.00 - TOTAL

Sincerely,

WILEY SPANN D/B/A FORESTRY EQUIPMENT AND PRODUCTS

By



Witness

\_\_\_\_\_

## **EXHIBIT “F”**



## **EXHIBIT “G”**

EQUIPMENT FINANCE LLC

118 W. AIRPORT ROAD  
LITITZ, PA 17543  
(717) 569-8761



Bank of Lancaster County, NA  
LANCASTER, PA

7152

60-1356/313

DATE December 2, 2005

PAY Sixty Nine Thousand, Five Hundred and No /100

AMOUNT

\$69,500.00

TO  
THE  
ORDER  
OF

CAROLYN HORN USED EQUIPMENT  
2177 Horns Valley Rd.  
Talladega, AL 35160

MEMO

*[Signature]* S.A.V.P.



007152 0313135620 0787547901

0006950000

Account 787547901 Serial 7152 Amount 0000069500.00 Date 12-08-2005

1114770823 0001446981 R001  
0604780823 14391020 2/08/2005  
02082008 6022005 H1A  
02100000 10 1000 1000 PK=03  
ENT=1404 PRE=1403 PK=12

FNB >062200941< PKT01  
1100010007 12/06/2005  
Acct 1041339

*Carolyn Horn Used Eq  
for Dep only*

Buyer = Laman Grissett Bel - 511 - cust 0377-20115  
seller = Wiley Spann



## **EXHIBIT “H”**



## **EXHIBIT “I”**

ORIGINAL DOCUMENT PRINTED ON CHEMICAL REACTIVE PAPER WITH MICRON PRINTED BORDER. SEE REVERSE SIDE FOR COMPLETE SECURITY FEATURES.

**EQUIPMENT FINANCE LLC**  
118 W. AIRPORT ROAD  
LITITZ, PA 17543  
(717) 569-8761

**Bank of Lancaster County, NA.**  
LANCASTER, PA

7295

60-1356/313

DATE January 23, 2006

PAY Sixty Six Thousand, Two Hundred Fifty and No /100

AMOUNT \$66,250.00

TO THE ORDER OF CAROLYNN HORN  
2177 HORNS VALLEY ROAD  
TALLADEGA, AL 35160

MEMO

*[Signature]* Sr. KR

THIS DOCUMENT CONTAINS HEAT SENSITIVE INK. TOUCH NO IMPRESS HERE. THE INK WILL DISAPPEAR WITH HEAT.

⑈007295⑈ ⑆031313562⑆ 07⑈875479⑈01⑈ ⑈0006625000⑈

Account 787547901 Serial 7295 Amount 0000066250.00 Date 01-26-2006

111285960617395232  
012620060125200601994481 R001  
03100004001010070410 25/2006  
ENT=1260 TRC=1260 PK=17  
01252006  
031000040 FRE=PHILA  
ENT=1260 TRC=1260 PK=03

FNB >062200961< PKT04  
1100070150 01/24/2006  
Acct 1041339

*Carolyn Horn  
for Dep only*

Ames R Brasher - Rel # 883 - Cust # 734-20042

Log Equipment

## **EXHIBIT “J”**

user = Anthony Morceri JR - Rel # 637  
 item = Slag Equipment.

## **EXHIBIT “K”**

EQUIPMENT FINANCE LLC

118 W. AIRPORT ROAD  
LITITZ, PA 17543  
(717) 569-8761



Bank of Lancaster County, NA  
LANCASTER, PA

7390

60-1356/313

DATE February 17, 2006

**PAY** One Hundred One Thousand, Three Hundred Fifty and No /100

AMOUNT  
\$101,350.00

TO  
THE  
ORDER  
OF

CAROLYNN HORN USED EQUIPMENT  
2177 HORNS VALLEY ROAD  
TALLADEGA, AL 35160

MEMO

*[Signature]* Sr VP.

18 THIS DOCUMENT CONTAINS NEITHER SENSITIVE INFORMATION NOR INFORMATION THAT REQUIRES PROTECTION FROM DISSEMINATION

007390 0313135621 07087547901

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Account 787547901    Serial 7390    Amount 0000101350.00    Date 02-24-2006

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FNB >062200961< PKT02  
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Acct 1041339

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242006  
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T=1459 TRC=1459 PK=12

Only down head &  
for deep entry.

21 - Eddie Joe Walker - Rol # 940 - cust # 8482-20322

er: Willy Spann



## **EXHIBIT “L”**

EQUIPMENT FINANCE LLC

118 W. AIRPORT ROAD  
LITITZ, PA 17543  
(717) 569-8761



Bank of Lancaster County, NA  
LANCASTER, PA

7431

60-1356/313

DATE March 9, 2006

PAY Sixty Five Thousand, and No /100

AMOUNT  
\$65,000.00

TO THE  
ORDER OF  
CAROLYNN HORN

*[Signature]* SAVL  
MICROPRINTED SECURITY

MEMO

THIS DOCUMENT CONTAINS SENSITIVE INFORMATION. DO NOT REPRODUCE OR DISSEMINATE WITHOUT AUTHORITY.

⑈007431⑈ ⑆031313562⑆ 07⑈875479⑈01⑈ ⑆0006500000⑆

Account 787547901 Serial 7431 Amount 0000065000.00 Date 03-13-2006

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03132006  
0610-0014-6  
ENT=4146 TRC=3749 PK=19

FNB >062200961< PKT02  
1100010089 03/10/2006  
Acct 1091339

*Carolyn Horn*  
*4/10/2006*

Lyer = Henry Shell - Rel # 926. Cust # 7144-20353  
Zeller = Coby Spann

## **EXHIBIT “M”**

ORIGINAL DOCUMENT PRINTED ON CHEMICAL REACTIVE PAPER WITH MICROPRINTED BORDER. SEE REVERSE SIDE FOR COMPLETE SECURITY FEATURES.

EQUIPMENT FINANCE LLC

118 W. AIRPORT ROAD  
LITITZ, PA 17543  
(717) 669-8761



Bank of Lancaster County, NA  
LANCASTER, PA

7434

60-1356/313

DATE March 9, 2006

PAY Thirty Thousand, and No /100

AMOUNT  
\$30,000.00

TO  
THE  
ORDER  
OF

CAROLYNN HORN

*[Signature]* S.A. V.P.

MEMO

THIS DOCUMENT CONTAINS HEAT SENSITIVE INK. TOUCH OR PRESS HERE. THE IMAGE WILL DISAPPEAR WITH HEAT.

⑈007434⑈ ⑆031313562⑆ 07⑈875479⑈01⑈

⑈0003000000⑈

Account 787547901 Serial 7434 Amount 0000030000.00 Date 03-13-2006

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1100010670 03/10/2006  
Acct 1041339

1018851750  
03132006  
0610-0014-6  
ENT=4146 TRC=3749 PK=19

*Carolynn Horn*  
*for deposit only*

Buyer = JP IVY SE - Rel = 871 - Cust # 2908  
seen = Stay Equipment

## **EXHIBIT “N”**

EQUIPMENT FINANCE LLC

118 W. AIRPORT ROAD  
LITITZ, PA 17543  
(717) 569-8761



Bank of Lancaster County, NA  
LANCASTER, PA

60-1356/313

7526

DATE April 11, 2006

PAY Forty Four Thousand, and No /100

AMOUNT

\$44,000.00

TO THE ORDER OF CAROLYN HORN USED EQUIPMENT  
2177 HORNS VALLEY ROAD  
TALLADAGA, AL 35160

*[Signature]*



MEMO

THIS DOCUMENT CONTAINS HEAT SENSITIVE INK. TOUCH OR PRESS HERE. RED IMAGE DISAPPEARS WITH HEAT.

⑈007526⑈ ⑆031313562⑆ 07⑈875479⑈01⑈

⑈0004400000⑈

ccount 787547901 Serial 7526 Amount 0000044000.00 Date 04-20-2006

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1000040 FRB-PHILA  
F=1403 TRC=1403 PK=12 F0001  
410860198 069 04/20/2006  
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ENT=3857 TRC=3942 PK=17

FNB >062200961< PKT01  
1100020206 04/18/2006  
Acct 1041339

*Carolyn Horn Used Equip  
for Equip only*

per Terrance D Bryant - Rel=885 - cust 737

ccr - Wiloy Spann

## **EXHIBIT “O”**

**EQUIPMENT FINANCE LLC**

118 W. AIRPORT ROAD  
LITITZ, PA 17543  
(717) 669-8761



Bank of Lancaster County, NA  
LANCASTER, PA

7611

60-1356/313

DATE May 5, 2006

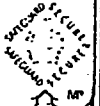
PAY Forty Five Thousand, Six Hundred and No /100

AMOUNT  
\$45,600.00

TO THE ORDER OF CAROLYNN HORN USED EQUIPMENT  
2177 Horns Valley Road, Talladega, AL 35160

MEMO

*[Handwritten Signature]*



⑈007611⑈ ⑆031313562⑆ 07⑈875479⑈01⑈

⑈0004560000⑈

Account 787547901 Serial 7611 Amount 0000045600.00 Date 05-12-2006

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ENT=1391 TRC=1393 PK=12

FNR >962200961< PKT01  
1100020177 05/10/2006  
Acct 1041339

*Carolyn Horn Used Eq  
for rep only*

Buyer = Timothy Stallworth - Ref: 907 - Cust: 7146

Seller = Wiley Spann



## **EXHIBIT “P”**

jer = Anthony P Scoggins - Rel 880 - Cust - 7166 - 21020  
 2er - Wiley Spann -

## **EXHIBIT “Q”**

↓Do not endorse or write below this line.↓